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| 10/693,475 | 10/24/2003 | Leonardo Jose Sanchez Aquino | F6177(V) | 2548 |
| 201 7590 05/11/2009 UNILEVER PATENT GROUP 800 SYLVAN AVENUE AG West S. Wing ENGLEWOOD CLIFFS, NJ 07632-3100 | | | | |
| EXAMINER | | | | |
| PADEN, CAROLYN A | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1794 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LEONARDO JOSE SANCHEZ,
JADWIGA MALGORZATA BIALEK, AND
SERGEY MICHAILOVICH MELNIKOV

Application No. 10/693,475
Technology Center 1794

Mailed: May 11, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Appeal Brief filed December 3, 2007 under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last entered amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details. A review of the last entered amendment finds that claims 2, 5-7, 18 and 24 are cancelled; whereas Appellants have not indicated the status of these claims. Correction of the status of all claims is required.

**EXAMINER’S ANSWER GROUNDS OF REJECTION TO BE
REVIEWED UPON APPEAL**

A review of the file finds that the grounds of rejection to be reviewed on appeal of the claims as provided in the Examiner’s Answer mailed January 14, 2006 under the heading “Grounds of rejection to be Reviewed on Appeal” is either unclear or is not consistent with the grounds of rejection of claims set forth in the last Office action of record. The grounds of rejection to be reviewed on appeal as provided in the Examiner’s Answer must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Furthermore, the

examiner must provide a clear statement of whether examiner agrees or disagrees with the statement of grounds of rejection to be reviewed as set forth in the brief and an explanation of any disagreement. *See also Manual of Patent Examining Procedure* (MPEP) § 1207.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the Examiner's Answer finds that it is unclear what rejected claims are on appeal as compared to the Appeal Brief and/or the Examiner's Answer does not clearly address differences between rejections set forth in the Examiner's Answer and those addressed in the brief.

Clarification of the record is required for all Grounds of rejection to be reviewed on appeal for all claims.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on December 3, 2007 defective;
- 2) notify Appellants to file a paper properly addressing the status of all claims;

- 3) to vacate the Examiner's Answer mailed January 14, 2006;
- 4) to generate a new Examiner's Answer setting forth the correct Grounds of rejection to be reviewed on appeal and to correct other sections of the Answer as may be required;
- 5) and to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and
- 6) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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